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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

PART 343—PROCESSING

CHANGE IN TITLE OF FORM FHA–81

Section 343.3 (j) (1) in Title 6, Code of Federal Regulations (14 F. R. 4973), is amended to read as follows:

§ 343.3 *Loan forms and routines.* * * *

(j) *Form FHA–32, "Subordination Agreement."* (1) The applicant will obtain, from the landlord or other parties of interest, a subordination agreement on Form FHA–32 in connection with each Production and Subsistence loan, whenever required as provided in § 342.5 (a) of this chapter. In lieu of obtaining Form FHA–32 from the landlord, the subordination may be obtained by inserting the following language, which is included in Form FHA–81, "Standard Farm Lease," in any lease agreement: "In consideration of loans(s) to be made by the Farmers Home Administration, the landlord hereby subordinates in favor of the Farmers Home Administration any interest or lien he now has or may acquire in or on the livestock, farm equipment, and crops of the tenant during the term of the lease or any extension or renewal thereof; except that this subordination does not apply to the landlord's interest in the crops grown in any year for current rent for that year."

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies R. S. 3690, secs. 21, 44; 60 Stat. 1072, 1068, 1069; 7 U. S. C. 1007, 1018, 31 U. S. C. 712)

DERIVATION: § 343.3 (j) (1) contained in FHA Instruction 441.3.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

MARCH 6, 1950.

[F. R. Doc. 50–2134; Filed, Mar. 15, 1950; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR GREEN TOMATOES FOR PROCESSING

On January 31, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50–867; 15 F. R. 515) regarding proposed United States Standards for green tomatoes for processing. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for green tomatoes for processing are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 51.421 *Standards for green tomatoes for processing*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 shall consist of tomatoes which are green in color, fairly firm, free from decay, stems and worms, and are free from damage caused by growth cracks, worm holes, scars, catfaces, sunburn, sunscald, freezing, disease, or mechanical or other means. (See minimum size.)

(2) *U. S. No. 2.* U. S. No. 2 shall consist of tomatoes which do not meet the requirements of the foregoing grade, but are green in color, and are free from worms, and from damage caused by worm holes, and which are free from serious damage by any cause. (See minimum size.)

(b) *Culls.* Culls are tomatoes which fail to meet the requirements of either of the foregoing grades.

(c) *Minimum size.* The minimum size may be fixed by agreement between buyer and seller. Tomatoes below the

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

specified minimum size shall be classed as culls.

(d) *Definitions.* (1) "Green in color" means that the surface of the tomato shows no pink or red color.

(2) "Damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect. The following shall be considered damage:

(i) Worm holes, when the injury has penetrated beneath the outer wall of the tomato to the extent that the injury has damaged the tomato for processing.

(3) "Serious damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 20 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect.

(e) *Effective time.* The United States Standards for Green Tomatoes for Processing contained in this section shall become effective thirty (30) days after the date of publications in the FEDERAL REGISTER.

(Pub. Law 146, 81st Cong.)

Done at Washington, D. C., this 10th day of March 1950.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-2114; Filed, Mar. 15, 1950; 8:48 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter F—Determination of Normal Yields

[Sugar Determination 841.2]

PART 841—NORMAL YIELDS; BEET SUGAR AREA

1950 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 303 of the Sugar Act of 1948, the following determination is hereby issued:

§ 841.2 *Normal yields of commercially recoverable sugar per acre for sugar beet farms.* (a) The normal yield of commercially recoverable sugar per acre for each sugar beet farm shall be established for the 1950 and each subsequent crop year as follows:

(1) For a farm on which sugar beets were planted in three or more of the next preceding seven crop years, the normal yield shall be the simple average of the annual average yields of sugar per acre of sugar beets planted on the farm for all of such years in which sugar beets were planted.

(2) For a farm on which sugar beets were planted in only one or two of the next preceding seven crop years, the normal yield shall be the hundredweight of sugar obtained by multiplying the county normal yield of sugar by the percentage that the simple average of the annual average yields of sugar per acre of sugar beets planted on the farm in such year or years is of the simple average of the county average yields of sugar for such year or years, except that the normal yield for such farm shall not be less than 80 percent nor more than 120 percent of the county normal yield.

(3) For a farm on which no sugar beets were planted in any of the next preceding seven crop years, the normal yield shall be 90 percent of the county normal yield of sugar.

(b) The "county average yield" for each crop year shall mean the weighted average yield of sugar per acre of sugar beets planted on all farms in the county in such crop year, except that if the total number of farms in the county on which sugar beets were planted in any crop year was less than 10, the yield shall be that as established by the State PMA Committee on the basis of the average yield which could have been reasonably expected in that crop year in such county.

(c) The "county normal yield" of sugar for each crop year shall mean:

(1) For a county for which county average yields are established for three or more of the next preceding seven crop years on the basis of 10 or more farms, the simple average of all of such average annual yields, or

(2) For a county for which county average yields are established for less than three of the next preceding seven crop years on the basis of 10 or more farms, the yield shall be that as established by the State PMA Committee on the basis of the average yield which could have been reasonably expected in the county in the next preceding seven crop years.

(d) Definitions:

(1) Acreage "planted" to sugar beets shall mean the acreage of sugar beets planted and harvested for the extraction of sugar and the acreage planted to sugar beets with respect to which there was bona fide abandonment because of drought, flood, storm, freeze, disease, or insects.

(2) "Yield of sugar" shall mean hundredweight of sugar commercially recoverable from sugar beets grown and marketed for the extraction of sugar.

This determination supersedes, with respect to the 1950 and subsequent crop years, the Determination of Normal Yields of Commercially Recoverable Sugar per Acre for Sugar Beets (Revised), issued August 3, 1943 (8 F. R. 10855).

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Sugar Act. Section 303 of the act authorizes the Secretary to make payments to producers of sugar beets or sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are based on normal yields of commercially recoverable sugar in terms of hundredweight as established for individual farms under determinations issued by the Secretary.

Former determinations. Former determinations have provided for the establishment of normal yields for each sugar beet farm in terms of the yield of sugar commercially recoverable per planted acre from the preceding seven crops as follows:

(1) By computing the normal tonnage of sugar beets per acre for the farm;

(2) By computing the normal percentage of sugar content of sugar beets for the farm; and

(3) By multiplying the normal tonnage of sugar beets per acre by the current rate of sugar commercially recoverable from sugar beets (established by the Secretary) applicable to the normal percentage of sugar content for the farm.

The computation in (2) above involved considerably more work in "individual test" areas than in "cossette test" areas, because a separate computation was required for each farm in those areas where the beets marketed are tested separately for sugar content, whereas the percentage of sugar content applicable to all farms in those areas employing an average cossette percentage was computed by the Sugar Branch of the Production and Marketing Administration and furnished to the State and County Committees.

Revised determination. This determination provides for a substantial simplification in establishing normal yields because such yields will be computed directly in terms of hundredweight of sugar. The normal yield for the farm will be obtained by dividing the hundredweight of sugar commercially recoverable for each crop during the base period by the planted acreage and then computing the average of the annual yields, except in case of farms with less than three years production history where appropriate adjustments are provided. Thus, steps (2) and (3) required under the former determination will be eliminated. The effect of the revision on the amount of payments for abandonment and deficiencies will be small and should average out over a period of years. The difference arises from the fact that the former determination provided for the use of rates of recoverability which were effective at the time the normal yields were established and the use under the present determination of production data reflecting the rates of recoverability in effect for each year of the base period.

The use of a moving seven-year base period is continued and the general method of establishing normal yields from farm and county data remains unchanged.

This change will also simplify instructions for the establishment of normal yields at the county level and will result in savings in work at that level.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the provisions of section 303 of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. Sup. 1133)

Issued this 10th day of March 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-2117; Filed, Mar. 15, 1950; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

DOCUMENTS FOR ENTRY AND AIRPORTS OF ENTRY

CROSS REFERENCE: For amendment of §§ 116.8 and 116.16, see Title 19, Chapter I, Part 6, *infra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 2]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

Under section 205 (a) of the Civil Aeronautics Act of 1938, as amended, the Administrator of Civil Aeronautics is authorized to make and amend such rules, regulations, and procedures as are necessary to carry out the provisions of, and to perform and exercise his powers and duties under, the act. Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce. Under § 60.17 (d) of the Civil Air Regulations, the Civil Aeronautics Board has provided that, except when necessary for taking off or landing, no person shall operate an aircraft in accordance with IFR below the minimum IFR altitudes established by the Administrator for that portion of the route over which the operation is conducted.

Acting pursuant to the foregoing authority, minimum en route instrument altitudes were published as rules. Those rules are amended herewith. This amendment is made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 60.17–15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Casa Grande (INT), Ariz.[4]	Tucson, Ariz. (Southeastbound).	10,000
Tucson, Ariz.	Casa Grande (INT), Ariz. (Northwestbound).	7,000
Salt Flat, Tex.[5]	Guadalupe Pass (FM), Tex.	10,000
Guadalupe Pass (FM), Tex.	Orla (INT), Tex. (Eastbound).	8,000
Orla (INT), Tex.[7]	Guadalupe Pass (FM), Tex. (Westbound).	10,000

[4] 7,000'—Minimum crossing altitude at Casa Grande (INT), southeast-bound.
[5] 8,900'—Minimum crossing altitude at Salt Flat, east-bound.
[7] 7,000'—Minimum Crossing Altitude at Orla (INT), west-bound.

2. Section 60.17–16 *Green Civil Airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Maxwell, Ala.	Atlanta, Ga.	2,000

3. Section 60.17–102 *Amber Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
La Habra (INT), Calif.[1]	Daggett, Calif.	12,000

[1] 12,000'—Minimum crossing altitude at La Habra (INT), northeast-bound.

4. Section 60.17–104 *Amber Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla.	Verdigris River (INT), Okla.	1,800

5. Section 60.17–107 *Amber Civil Airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Peabody (INT), Mass.	Portland, Maine	1,700

6. Section 60.17–210 *Red Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Campbellton, Ga.	Atlanta, Ga.	2,300

7. Section 60.17–212 *Red Civil Airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Joliet, Ill.	Int. E crs. Joliet, Ill., and W crs. South Bend, Ind.	2,300
Int. E crs. Joliet, Ill., and W crs. South Bend, Ind.	South Bend, Ind.	2,000

8. Section 60.17–217 *Red Civil Airway No. 17* is amended by adding:

From—	To—	Minimum altitude
Chanute, Ill.	Rensselaer (INT), Ill.	1,900

9. Section 60.17–221 *Red Civil Airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Salem (INT), Conn.	Providence, R. I.	1,700

10. Section 60.17–237 *Red Civil Airway No. 37* is amended to eliminate:

From—	To—	Minimum altitude
Summit (INT), Va.	Quantico, Va.	1,500
Quantico, Va.	McLean (INT), Va.	1,800

11. Section 60.17–245 *Red Civil Airway No. 45* is amended by adding:

From—	To—	Minimum altitude
Summit (INT), Va.	Quantico, Va.	1,500
Quantico, Va.	McLean (INT), Va.	1,800

12. Section 60.17–611 *Blue Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
South Bass (INT), Ohio.	Mid-Lake (INT), Ohio.	1,800

13. Section 60.17–624 *Blue Civil Airway No. 24* is amended to read in part:

From—	To—	Minimum altitude
Palm Springs (INT), Calif.[1]	Daggett, Calif.[2]	13,000

[1] 12,000'—Minimum crossing altitude at Palm Springs (INT), north-bound.
[2] 10,000'—Minimum crossing altitude at Daggett, south-bound.

14. Section 60.17–34 *Blue Civil Airway No. 34* is amended by adding:

From—	To—	Minimum altitude
Int. N crs. Terre Haute, Ind., and SE crs. Chanute, Ill.	Chanute, Ill.	1,900
Chanute, Ill.	Int. NW crs. Chanute, Ill., and SW crs. Joliet, Ill.	1,900

15. Section 60.17–44 *Blue Civil Airway No. 44* is amended to read in part:

From—	To—	Minimum altitude
Indianapolis, Ind.	Kokomo Rbn., Ind.	2,100
Kokomo Rbn., Ind.	Fort Wayne, Ind.	2,000

16. Section 60.17–666 *Blue Civil Airway No. 66* is amended to read in part:

From—	To—	Minimum altitude
Int. SE crs. Bridgeport, Conn., and E crs. LaGuardia, N. Y.	Bridgeport, Conn.	1,200
Bridgeport, Conn.	Poughkeepsie, N. Y.	2,400

17. Section 60.17–1001 *Northeast United States* is amended in part:

From—	To—	Minimum altitude
Charleston, W. Va.	Columbus, Ohio	2,200
Kokomo, Ind.	Lafayette, Ind.	2,200
Do.	Chicago, Ill.	2,200

18. Section 60.17–1003 *Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Little Rock, Ark.	Int. N crs. Stuttgart, Ark., and a direct course between Little Rock and Walnut Ridge, Ark.	1,600
Int. N crs. Stuttgart, Ark., and a direct course between Little Rock and Walnut Ridge, Ark.	Walnut Ridge, Ark.	1,700

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50–2091; Filed, Mar. 15, 1950; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21–420]

PART 188—TIE FABRICS INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules for the Tie Fabrics Industry, as hereinafter set forth, are promulgated by the Commission.

Statement by the Commission. Trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be gated by the Federal Trade Commission under the trade practice conference procedure.

The industry is comprised of the persons and concerns, including integrated producers, who operate as converters of fabrics used principally in the manufacture of men's neckwear. The business engaged in by industry members is that of acquiring fabrics in the grey or semi-finished state, having the same dyed, printed, or finished in accordance with their own specifications or those of their customers, and in selling the finished or processed fabrics to necktie manufacturers and others. Total annual volume of business approximates $40,000,000.

Protection of the industry, trade, and the public from unfair or harmful competitive practices is a primary objective of the rules. Accordingly, practices deemed to be unfair are listed and defined in the rules and provision made for their elimination. Other rules are likewise included which are designed to afford assistance in the conduct of business on a fair and ethical basis.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in New York City at which proposals for rules were submitted for the consideration of the Commission. Thereafter, proposed rules in appropriate form were made available and public notice given of hearing thereon, whereby all interested or affected parties were afforded opportunity to be heard and to present their views, including such pertinent information, suggestions, or objections respecting the proposed rules as they desired to offer. Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the Group I and Group II rules as set out below.

Such rules become operative thirty (30) days from the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injues, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in §§ 188.1 to 188.17 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

GROUP I

GROUP II

AUTHORITY: §§ 188.1 to 188.107 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

GROUP I

§ 188.1 *Misrepresentation.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement or otherwise, with respect to the grade, quality, freedom from defects or imperfections, quantity, use, size, material, content, thread count, origin, shrinkage properties, proof against or resistance to wrinkling, creasing or crushing, colorfastness, washability, production, manufacture, or distribution of any tie fabric or any component thereof, or to misrepresent such fabric in any other material respect. [Rule 1]

§ 188.2 *Misbranding.* It is an unfair trade practice falsely or deceptively to label, mark, or brand tie fabrics with respect to the grade, quality, freedom from defects or imperfections, quantity, use, size, material, content, thread count, origin, shrinkage properties, proof against or resistance to wrinkling, creasing or crushing, colorfastness, washability, production, manufacture, or distribution of such products or any component thereof, or to misbrand such fabrics in any other material respect. [Rule 2]

§ 188.3 *Deception as to origin.* With respect to any tie fabrics of the following types: (1) Fabrics which have been woven or fabricated in a foreign country and imported in the grey or other unfinished state and dyed or finished in the United States; and (2) fabrics which have been imported in the finished state, and dyed, redyed, or refinished in the United States; it is an unfair trade practice:

(a) To offer for sale, sell, or distribute any such fabrics under marks, stamps, brands, labels, or representations which have the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public into the belief (1) that such fabrics were woven or fabricated in the United States, when such is not the fact; or (2) that they were dyed, finished, redyed, or refinished elsewhere than in the United States, when such is not true; or

(b) To offer for sale, sell, or distribute any such fabrics without the same being marked, stamped, branded, or labeled so as to indicate clearly and nondecep-

tively (1) the country of origin of the fabrics, and (2) that such fabrics were woven or fabricated in said country and were dyed or finished or redyed or refinished in the United States, as the case may be, where the failure, refusal, or omission to so mark, stamp, brand, or label such fabrics has the capacity and tendency or effect of thereby promoting, abetting, or effectuating the marketing of such products under conditions which are misleading or deceptive to purchasers, prospective purchasers, or the consuming public.

Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with requirements of the customs laws or regulations, or other applicable provisions of law or regulations relating to the marking of imported articles. [Rule 3]

§ 188.4 *Identification and disclosure of fiber or material content.* (a) In the sale, offering for sale, or distribution of tie fabrics, it is an unfair trade practice to misrepresent or deceptively conceal the fiber or material content of any such product.

(b) Tie fabrics containing rayon, silk, or linen shall be identified as to their fiber and material content in labels, invoices, and advertisements, in accordance with the requirements of trade practice rules heretofore promulgated by the Commission for the Rayon Industry, Silk Industry, and Linen Industry: *Provided*, That products containing, purporting to contain, or in any way represented as containing, wool, reprocessed wool, or reused wool, shall be labeled in accordance with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder.

NOTE: A copy of the above-mentioned trade practice rules, and of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder, may be obtained from the Commission by any industry member making request therefor.

[Rule 4]

§ 188.5 *Substitution of products.* It is an unfair trade practice to ship or deliver tie fabrics which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public. [Rule 5]

§ 188.6 *Inducing breach of contract.* It is an unfair trade practice to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business. [Rule 6]

§ 188.7 *Arrangements to exclude sale of competitors' products.* It is an unfair trade practice to sell or contract for the sale of tie fabrics, or to fix a price charged therefor, or to allow a discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser shall not use or deal in the products of a competitor or competitors of the seller, where the effect of such sale or contract for sale, or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly. [Rule 7]

§ 188.8 *Transactions below cost.* The practice of selling tie fabrics below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This section is not to be construed as prohibiting all transactions below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in this section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 8]

§ 188.9 *False invoicing.* It is an unfair trade practice to withhold from or insert in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public. [Rule 9]

§ 188.10 *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 188.11 *Imitation of trade-marks, etc.* It is an unfair trade practice to imitate or cause to be imitated, or directly or indirectly to promote or aid the imitation of, the trade-marks, trade names, other exclusively owned symbols or marks of identification of competitors, or the exclusively owned designs or patterns of competitors which have not been directly, or by operation of law, dedicated to the public, where such imitation has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public. [Rule 11]

§ 188.12 *Defamation of competitors or disparagement of their products.* It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or to falsely disparage the grade, quality, or manufacture of the products of competitors, or their business methods, selling prices, values, credit terms, policies, services, or conditions of employment. [Rule 12]

§ 188.13 *Fictitious price lists.* It is an unfair trade practice for any member of the industry to publish or circulate false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, suppliers, prospective suppliers, or the consuming public. [Rule 13]

§ 188.14 *Prohibited discrimination—* (a) *Prohibited discriminatory prices, or discounts, rebates, refunds, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any discount, rebate, refund, credit, freight or other transportation cost or any percentage thereof, or other form of price differential, where such discount, rebate, refund, credit, freight or other transportation cost or any percentage thereof, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery re-

[1] As used throughout this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

sulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products of commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Prohibited discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one customer-purchaser against another customer-purchaser of a tie fabric, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all competing customer-purchasers on proportionally equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning all or part of the fabric so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* Nothing in any of the rules herein shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has been falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in other respect is contrary to guarantee, warranty, or purchase contract.

(g) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 14]

§ 188.15 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry, or any other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 15]

§ 188.16 *Consignment selling or deliveries "on memorandum."* It is an unfair trade practice for any member of the industry to use the practice of shipping goods on consignment or pretended consignment, or of delivering goods "on memorandum,"

(a) When such practice is so used, or the terms and conditions thereof so varied or arranged, as to effectuate a discrimination prohibited by the provisions of § 188.14; or

(b) When such consignment, pretended consignment, or delivery "on memorandum," is used for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their goods to purchasers or consumers through regular channels of distribution, and thereby injuring, preventing, or destroying competition, tending to create a monopoly, or unreasonably restraining trade.

Nothing in this section, however, shall be construed or used as preventing or restricting consignment shipping, or marketing "on memorandum," when carried out in good faith and without the wrongful purposes or effects specified in paragraphs (a) and (b) of this section. [Rule 16]

§ 188.17 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 17]

GROUP II

General statement. Compliance with trade practice provisions embraced in §§ 188.101 to 188.107 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with §§ 188.101 to 188.107 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 188.1 to 188.17.

§ 188.101 *Saturday and Sunday closings.* In the interest of the public and of itself, the industry urges all members of the industry to adhere to the practice of not opening their sales offices on Saturdays and Sundays for the transaction of business. [Rule A]

§ 188.102 *Use of written sales contracts.* In order to avoid ambiguity and misunderstanding between buyers and sellers, all purchases and sales of products of the industry exceeding one piece, regardless of the total value thereof, should be made by written contract, signed by the buyer and seller. Such written contract should set forth the actual terms and conditions of the sale involved.

Wherever practicable, the delivery of all merchandise of any quantity should be made against a written receipt signed by the purchaser or a qualified agent or employee of the purchaser.

The provisions herein shall not be construed as sanctioning or approving any agreement among competitors or any planned common course of action among competitors to agree upon or to fix, specify, or determine the prices, discounts, terms, or conditions of sale to be covered in any sales contract or transaction, but these shall be open to individual negotiation between the seller and buyer, subject to the requirements of §§ 188.1 to 188.17 and applicable provisions of law. [Rule B]

§ 188.103 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry. [Rule C]

[1] See footnote on p. 1484.

§ 188.104 *Use of samples.* The industry disapproves the giving of samples without charge in greater quantity than actually necessary to acquaint purchasers or prospective purchasers with the grade or quality of the product offered for sale. However, the furnishing of any samples shall not be carried out in a manner involving discrimination prohibited by the provisions of § 188.14. [Rule D]

§ 188.105 *Arbitration of disputes.* The industry approves and recommends the use of commercial arbitration for the speedy and efficient disposition of disputes arising out of the sale, processing, and distribution of products of the industry. [Rule E]

§ 188.106 *Registration of original and novel designs.* The industry recommends that all members should register their original and novel designs, not directly or by operation of law dedicated to the public, with an accepted industry design registration bureau to the end that unauthorized copying of designs and the resultant confusion and misunderstanding be eliminated and appropriate information as to designs in use be fully available to the industry. [Rule F]

§ 188.107 *Use of uniform standards for examination of finished piece goods.* For the visual examination of finished piece goods, the industry recommends that uniform standards, which are equitable as between buyer and seller and fair to the trade and purchasing public, be used in the settlement of disputes concerning the quality of the industry's goods. Nothing herein, however, shall be construed as warranting classification of any fabric of the industry as a "first" when not fully qualified for such designation; and in this connection, industry members recognize it as their obligation to in no wise contribute to any misrepresentation or deception as to grade, quality, or otherwise, in the further marketing of the fabric or products made therefrom. [Rule G]

Issued: March 13, 1950.

Promulgated by the Federal Trade Commission March 16, 1950.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-2126; Filed, Mar. 15, 1950; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

DOCUMENTS FOR ENTRY AND AIRPORTS OF ENTRY

1. Paragraph (b) (3) of § 6.8, *Documents for entry*, of Title 19, Code of Federal Regulations, such section being also designated as § 116.8 of Title 8 and § 71.508 of Title 42, is amended by inserting at the end of the paragraph before the sentence in parentheses the following: "No cargo manifest or stores list shall be required for merchandise or baggage arriving from and departing for a foreign country on the same through flight, although any such documents on board may be inspected if necessary."

2. The first sentence of paragraph (d) of § 6.11, *Airports of entry, regulations*, of Title 19, Code of Federal Regulations, such section being also designated as § 116.16 of Title 8 and § 71.516 of Title 42 is amended to read as follows: "Airports of entry shall be municipal airports, unless particular conditions which prevail warrant a departure from this requirement."

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the rules prescribed by the order relieve restrictions and are clearly advantageous to persons affected thereby.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 624, 46 Stat. 759, secs. 201, 367, 58 Stat. 683, 706, sec. 1, Reorg. Plan V, June 14, 1940, 5 F. R. 2132, 2223, 3 CFR, 1940 Supp., 54 Stat. 1238, sec. 102, Reorg. Plan 3 of 1946, June 16, 1946, 11 F. R. 7875, 3 CFR 1946 Supp., 60 Stat. 1097; 5 U. S. C. 22, 8 U. S. C. 102, 222, 19 U. S. C. 66, 1624, 42 U. S. C. 202, 270, 5 U. S. C. 133t, 133y-16. Interpret or apply sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761; 19 U. S. C. 1644, 49 U. S. C. 177)

[SEAL] FRANK DOW,
Commissioner of Customs.
JOHN S. GRAHAM,
Acting Secretary of the Treasury.
LEONARD A. SCHEELE,
Surgeon General,
U. S. Public Health Service.
OSCAR R. EWING,
Federal Security Administrator.
PEYTON FORD,
Acting Attorney General.

MARCH 4, 1950.

[F. R. Doc. 50-2116; Filed, Mar. 15, 1950; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 580—WOMEN'S ARMY CORPS

ENLISTMENT OF WOMEN IN ARMY AND AIR FORCE

Section 580.18 is hereby amended by adding subdivision (vii) to paragraph (b) (4), and changing paragraph (c), to read as follows:

§ 580.18 *Enlistment of women in Army and Air Force.* * * *

(b) *Qualification for enlistment.* * * *

(4) *Women ineligible for enlistment.* * * *

(vii) Noncitizens of the United States.

(c) *Periods of enlistment*—(1) *Regular Army.* Enlistments and reenlistments in the Regular Army are authorized for 3, 4, 5, or 6 years, at the option of the individual enlisting.

(2) *Air Force.* Applicants with no prior service and all personnel with prior service in the Army, Navy, Marine Corps, or Coast Guard, and former Air Force personnel discharged more than 30 days are authorized to enlist for 4, 5, or 6 years. Former WAF's who reenlist within 30 days from date of last discharge may reenlist for 3, 4, 5, or 6 years.

(3) All applicants for enlistment in the Regular Army or Air Force will be informed of and required to sign the following statement entered in "Remarks" section of the enlistment record:

I certify that it has been clearly explained to me that the requirements of the service are such that any request for discharge solely on the grounds of marriage will not receive favorable consideration until I have completed 1 year of active duty on my current enlistment.

[Cl, SR 625-120-1, Feb. 28, 1950] (R. S. 161, 5 U. S. C. 22. Interprets or applies 62 Stat. 356; 10 U. S. C. Sup., 316)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-2113; Filed, Mar. 15, 1950; 8:54 a. m.]

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 880—WOMEN'S ARMY CORPS

ENLISTMENT OF WOMEN IN ARMY AND AIR FORCE

CROSS REFERENCE: For amendment of regulations with respect to Women's Army Corps, see Part 580, of Chapter V, *supra*, which was made applicable to the Department of the Air Force at 13 F. R. 8751.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

DOCUMENTS FOR ENTRY AND AIRPORTS OF ENTRY

CROSS REFERENCE: For amendment of §§ 71.508 and 71.516, see Title 19, Chapter I, Part 6, *supra*.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 844-A]

PART 95—CAR SERVICE

FURNISHING OF CARS FOR RAILROAD LOCOMOTIVE FUEL COAL SUPPLY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of March A. D. 1950.

Upon further consideration of Service Order No. 844 (14 F. R. 7765; 15 F. R. 1086, 1204) and good cause appearing therefor: It is ordered, that:

Section 95.844, Service Order No. 844, *Furnishing of cars for railroad locomotive fuel coal supply*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m.,

March 12, 1950; that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-2124; Filed, Mar. 15, 1950; 8:49 a. m.]

[S. O. 846-A]

PART 95—CAR SERVICE

RESTRICTIONS ON COAL-BURNING PASSENGER SERVICE LOCOMOTIVE MILEAGE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of March A. D. 1950.

Upon further consideration of Service Order No. 846 (15 F. R. 769) and good cause appearing therefor: It is ordered, that:

Section 95.846, Service Order No. 846, *Restrictions on coal-burning passenger service locomotive mileage*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., March 12, 1950; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-2125; Filed, Mar. 15, 1950; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 967]

[Docket No. AO-170-A3]

HANDLING OF MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was conducted at South Bend, Indiana, on February 20, 1950, pursuant to notice thereof which was issued on February 9, 1950 (15 F. R. 818).

The material issues of record related to:

1. A proposal to lower the Class IV milk price by adoption of revised formula factors (subject formula also is used as an alternate basic price formula for determining Class I and Class II milk prices);

2. A proposal to revise the Class I and Class II price differentials (over basic formula price); and

3. The emergency character of present marketing conditions.

Findings and conclusions. (1) The formula for computing the Class IV milk price should be revised.

Handlers proposed revision of the formula for computing the price of Class IV milk in a manner that would make the price level for milk in such class equivalent to that now in effect in the Chicago and Suburban Chicago marketing areas under milk orders No. 41 and No. 69. This change would have the additional intended effect of providing identical basic price levels for the three markets in the determination of Class I and Class II milk prices. If such proposal had been in effect throughout the last calendar year the Class IV price would have been reduced 10.9 cents per hundredweight. For recent months the reduction would have been approximately 13 cents per hundredweight.

In support of their proposal handlers submitted testimony to the effect that (a) farms of producers for the Chicago and South Bend-La Porte markets are intermingled, (b) prices in the two markets should be kept in close alignment to prevent dissatisfaction among the respective producers and undue shifting of producers from one market to the other, (c) a Chicago handler, regulated under Order No. 41, is now distributing milk in the South Bend-La Porte marketing area in competition with South Bend-La Porte handlers, (d) the recent reduction in class prices resulting from amendments to the Chicago order gives such Chicago handler an advantage in the purchase of his milk over local handlers, (e) substantial losses, approximating 30 cents per hundredweight of milk, were incurred on surplus Class III milk transferred to condenseries during the flush production months of 1949, and (f) the volume of surplus milk seasonally promises to be even larger in the spring and summer of 1950. It was contended that the price relationship with the Chicago market resulting from the recent adoption of lower prices in the latter market creates an inequitable situation for local handlers and that the losses incurred in 1949 on seasonal surpluses of milk were burdensome. The present situation is looked upon by handlers as an emergency. Producer representatives did not oppose the requested action.

In view of the exceedingly close competitive relationship between the two markets as to both the purchase of milk from producers and the distribution of fluid milk by handlers, it is concluded from the testimony that the proposed revision of the formula should be made, with the exception that the portions of the manufacturing allowance in the proposed formula allocated, respectively, to butterfat and skim milk should be modified. This modification will continue in effect the present relationship between the individual manufacturing allowances on skim milk and butterfat. The level of the Class IV price on a 3.5 percent butterfat basis, however, would not be changed from that proposed by the handlers. Because of the approach of the flush production months of 1950 the revised formula should apply in connection with the pricing of Class IV milk during the first month it is effective, but should not be used as a basic price formula until one month later. This application will retain the principle of using formula prices for the preceding month as the basic formula price of the current month, which is similar to that in use in the Chicago market.

The present order sets forth provisions to the effect that the basic formula prices for skim milk and butterfat in July shall not be less than for June and that such basic formula prices for January shall not be higher than for December. These provisions were suspended November 15, 1948, and have not been in effect since such date. Similar provisions in the orders for the Chicago and Suburban Chicago markets were suspended on the same date, and were deleted from the applicable orders by amendment on March 1, 1950. It was suggested at the hearing that such provisions be deleted in the redrafting of the South Bend-La Porte order and no objection was offered. In view of the findings and conclusions concerning the relationship of the South Bend-La Porte and Chicago markets, it is concluded that such provisions should be deleted from the order.

(2) The Class I and Class II price differentials should not be revised.

Handlers proposed that the Class I and Class II price differentials currently in effect for the months of September through December be made to apply in the months of August through November instead. Supporting testimony indicated that (a) the purpose of this change is to make the class price differentials for the South Bend-La Porte market identi-

cal on a seasonal basis with those of the Chicago market, to produce a better competitive relationship, (b) one handler paid a premium of 20 cents per hundredweight during one month in 1948 to several producers to keep their price in line with that of Chicago, and (c) handlers feel that producers would be better satisfied if their price level changed at the same time as the price in Chicago.

Producer representatives, on the other hand, testified that (a) producers have not requested such a change be made, (b) August is a surplus production month in the South Bend-La Porte market, while December is one of the short production months, (c) the proposal overlooks the intent of seasonal pricing to achieve greater production in the low production season and to remove surplus in the months of heavy production, (d) the production trend is highly similar to that which existed at the time present differentials were adopted, and (e) handlers are inconsistent in asking for higher Class I and Class II prices in August while at the same time requesting lower prices on surplus in Class IV milk.

The evidence supports the position that the class price differentials should not be altered seasonally as proposed. August is a heavier production month than December. The percentage of producer milk falling into Class III and Class IV milk in August is greater than the yearly average while milk in such classes in December is substantially under the annual average. The incentive for producing relatively greater amounts of milk in the fall months will be lessened if the proposal is adopted. It is concluded therefore that the class price differentials should not be revised.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and exceptions thereto.

The hearing record established that immediate action must be taken if an amendment is to meet effectively the urgent problem sought to be alleviated. With respect to such problem, the critical situation will be aggravated on and after April 1, 1950. The delay necessarily involved in the preparation, filing and publication of a recommended decision and exceptions thereto would defeat the purpose of the amendment.

The omission of the recommended decision and filing of exceptions thereto was requested on the record. There was no testimony in opposition to this request.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1950, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing agreement regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area," and "Order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 10th day of March 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area

AUTHORITY: §§ 967.0 to 967.101 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 5 U. S. C. 133y-16.

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 967.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 967.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture specified herein.

§ 967.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 967.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 967.6 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 967.7 *South Bend-La Porte, Indiana, marketing area.* "South Bend-La Porte, Indiana, marketing area," hereinafter called the "marketing area" means all territory within the corporate limits of South Bend, Mishawaka, La Porte, and Michigan City, Indiana.

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of fluid milk and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is received at an approved plant, provided one or more of the health authorities set forth in § 967.8 has approved or certified the production of such milk for use as Class I milk or Class II milk in the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

§ 967.10 *Producer milk.* "Producer milk" means milk produced by a producer under the conditions set forth in § 967.9.

§ 967.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than a producer or a handler who receives milk subject to the pricing provisions of this order.

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of Class I milk to a wholesale or retail stop, other than to a milk processing or distributing plant.

§ 967.13 *Handler.* "Handler" means (a) a person who operates an approved plant or (b) a cooperative association with respect to milk (1) caused by it to be delivered from a producer's farm to an approved plant for the account of such association, or (2) customarily received as producer milk at an approved plant which is diverted by such association for its account to a plant not an approved plant.

§ 967.14 *Producer-handler.* "Producer-handler" means any person who operates an approved plant and whose sole source of supply of skim milk and butterfat is from his own production or from his own production and from an approved plant.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 967.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 967.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 967.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 to 967.32 or (2) payments pursuant to §§ 967.80 to 967.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 7th day after the end of such delivery period, the minimum class prices for skim milk and butterfat pursuant to § 967.5; and

(2) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 967.71 and the butterfat differential computed pursuant to § 967.81; and

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 967.30 *Reports of receipts and utilization.* On or before the 9th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and of skim milk contained in all receipts within such delivery period of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, and (3) other source milk; and the source thereof;

(b) The utilization of all receipts reported under paragraph (a) of this section; and

(c) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 967.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (1) the total pounds of milk received from each producer and the average butterfat test of such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 967.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 967.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form as milk, skim milk, flavored milk, flavored milk drink, or buttermilk (except as provided in paragraphs (c) (1) and (d) (2) of this section); and

(2) Shrinkage on receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts and all skim milk and butterfat not specifically accounted for as any item under subparagraph (1) of this paragraph or Class II milk, Class III milk, or Class IV milk.

(b) Class II milk shall be all skim milk and butterfat disposed of as fluid cream (sweet or sour), any mixture of cream and milk (or skim milk), containing not less than 6 percent butterfat, and eggnog.

(c) Class III milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form in bulk as milk, skim milk, buttermilk, or cream to any manufacturer of candy, soup, or bakery products and used in such products;

(2) Used to produce evaporated or condensed milk, cottage cheese, ice cream, ice cream mix, other frozen desserts and mixes, storage cream; and

(3) Used to produce a milk product other than any of those specified in paragraphs (a) (1), (b), or (c) of this section.

(d) Class IV milk shall be all skim milk and butterfat:

(1) Used to produce butter, cheese (excluding cottage cheese), and nonfat dry milk solids;

(2) Dumped or disposed of for livestock feed as skim milk, flavored milk, flavored milk drink, or buttermilk;

(3) In actual plant shrinkage of producer milk computed pursuant to § 967.42 but not in excess of 2 percent thereof; and

(4) In actual plant shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk, if transferred or diverted in the form of milk, and as Class II milk if so disposed of in the form of cream, to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned in

series beginning with the next lowest-priced available utilization;

(b) As Class I milk if transferred or diverted in the form of milk, and as Class II milk if so disposed of in the form of cream, to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of milk, and as Class II milk if so disposed of in the form of cream, to a plant not an approved plant unless, (1) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 8th day after the end of the delivery period within which such transaction occurred, (2) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (3) such buyer's plant had actually used in the use indicated in such statement not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat so derived in such indicated use, the remaining pounds shall be classified on the basis of the next highest priced available use in accordance with the classes set forth in § 967.41.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of and practices complete segregation of producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds of plant shrinkage of skim milk and butterfat pursuant to § 967.41 (d) (3)) in series beginning with the lowest-priced available use, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraph (a) of this section;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with the lowest-priced available use, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the pounds of skim milk and butterfat received from producers.

MINIMUM PRICES

§ 967.50 *Basic formula prices for skim milk and butterfat.* The basic formula prices for skim milk and butterfat shall be determined by the market administrator for each delivery period in the following manner:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to hove been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk, Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute the price per hundredweight as follows:

(1) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period;

(2) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by seven, add 30 percent thereof, and multiply by 3.5.

(c) Compute the price per hundredweight by adding together the plus values resulting under subparagraphs (1) and (2) of this paragraph.

(1) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 56¢.

(2) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the higher of the Grade A (92-score) butter prices, if any, for that day shall be used in lieu of the price for Grade AA (93-score) butter and from the result thus obtained deduct 11¢.

(d) Multiply the highest of the prices resulting from paragraphs (a), (b), and (c) of this section for the next preceding delivery period by 0.311 (which amount shall be known as the basic formula price per hundredweight of skim milk).

(e) Multiply the highest of the prices resulting from paragraphs (a), (b), and (c) of this section for the next preceding delivery period by 20.0 (which amount shall be known as the basic formula price per hundredweight of butterfat).

§ 967.51 *Class I milk and Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk and Class II milk shall be determined by adding the following amounts to the respective basic formula prices for skim milk and butterfat for the delivery period:

Delivery period	Skim milk	Butterfat
	Class I and class II milk	Class I and class II milk
May and June	$0.156	$10.00
September through December	.280	18.00
All other months	.218	14.00

Provided, That the per hundredweight Class II butterfat price shall not be less than the Class III butterfat price determined pursuant to § 967.52 (e).

§ 967.52 *Class III milk prices.* The minimum prices per hundredweight, to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class III milk, shall be determined as follows:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed below:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

Provided, That the price so determined shall not be less than the per hundredweight price of milk determined pursuant to § 967.50 (c).

(b) Compute the percentage that the values of skim milk and butterfat, respectively, as determined pursuant to § 967.50 (c) of this section, is of their sum.

(c) Multiply the price of milk determined pursuant to paragraph (a) of this section by the percentages determined for skim milk and butterfat, respectively, pursuant to paragraph (b) of this section.

(d) Divide the value for skim milk determined pursuant to paragraph (c) of this section by 0.965, which price shall be the Class III price per hundredweight for skim milk.

(e) Divide the value of butterfat determined pursuant to paragraph (c) of this section by 0.035, which price shall be the Class III price per hundredweight for butterfat.

§ 967.53 *Class IV milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class IV milk shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the price determined pursuant to § 967.50 (c) (1), divided by 0.965.

(2) The price per hundredweight of such butterfat shall be the price determined pursuant to § 967.50 (c) (2), divided by 0.035.

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* Skim milk and butterfat disposed of as Class I and Class II milk on a route in the marketing area shall not be subject to the provisions of this order if (a) such milk is priced under another marketing agreement or order issued pursuant to the act and (b) the person making such disposition of milk in the marketing area is subject to regulation under such other marketing agreement or order: *Provided*, That the handler making such disposition of milk in the marketing area shall at such time and in such manner as the market administrator may require, make reports to the market administrator which shall be subject to verification by the market administrator.

§ 967.61 *Diverted milk.* Producer milk diverted from a handler's plant to an approved plant or to a plant not an approved plant shall be deemed to have been received by the handler for whose account such milk was diverted.

§ 967.62 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.53, 967.70 to 967.72, and 967.80 to 967.88 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 967.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and butterfat respectively allocated to producer milk in each class pursuant to § 967.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds of skim milk and butterfat subtracted from the various classes pursuant to § 967.46 (d) by the respective applicable class prices.

§ 967.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who made the reports pursuant to § 967.30 except those in default in payments required pursuant to § 967.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81, and multiply the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the amount of unpaid obligations to handlers pursuant to § 967.84 and § 967.87;

(d) Divide by the hundredweight of producer milk; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount computed under paragraph (d) of this section.

§ 967.72 *Notification to handlers.* On or before the 14th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and values of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to or the amount due him from the producer-settlement fund, pursuant to § 967.83 or 967.84; and (d) the amount to be paid by him pursuant to §§ 967.80, 967.85, 967.86, and 967.87.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the skim milk and butterfat in such handler's Class I milk, Class II milk, Class III milk and Class IV milk allocated to producer milk pursuant to § 967.46.

§ 967.81 *Producer butterfat differential.* In making payments pursuant to § 967.80 (a) there shall be added to or subtracted from the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 967.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81.

§ 967.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such de-

livery period pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86, and 967.87: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such delivery period, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.22 (d) each handler shall pay the market administrator, on or before the 16th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to skim milk and butterfat received within the delivery period, in producer milk (including such handler's own production) and in other source milk (excluding milk which is subject to administrative expense of another Federal order issued pursuant to the act).

§ 967.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 967.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 967.90 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a

liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 967.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 967.101 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisios hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 50-2115; Filed, Mar. 15, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 78]

LARAPIDA SHIPPING AND TRADING CO.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of Victor E. de Fiori, and Enrica L. de Fiori, t/a LaRapida Shipping and Trading Co., 1564 Broadway, New York, New York.

This proceeding was begun by the mailing of a charging letter to the above-named respondents under date of October 31, 1949, wherein the Office of International Trade charged respondents with having violated the provisions of section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder, by submitting to the Office of International Trade, in support of each of five applications for export licenses for the shipment of certain commodities as gifts on behalf of specific donors in the United States to specific donees in Italy and Yugoslavia, lists of alleged donors and donees which were known to be false in that the orders placed with respondents by the donors named therein had previously been filled by delivery to the respective donees and respondents had obtained and held no further orders from such donors for shipments of gift parcels to the respective donees.

Respondents did not request an oral hearing but submitted a written answer in which they admitted the charges insofar as concerned applications for licenses to make export shipments to Italy but denied the charges with respect to applications pertaining to Yugoslavia. The matter was accordingly submitted to the Compliance Commissioner on the basis of the written answer and the evidentiary material in the possession of the Office of International Trade. The record so made has been carefully examined by the Compliance Commissioner and on the basis thereof he has duly filed his report under date of February 27, 1950.

It appears from the record and the report of the Compliance Commissioner that respondents Victor E. and Enrica L. de Fiori are husband and wife and during the year 1948 were engaged at New York City under the trade name of LaRapida Shipping and Trading Co., in the exportation of gift parcels to donees in various countries on behalf of donors in the United States; that such enterprise was terminated late in 1948 and has since been liquidated and dissolved; and that the individual respondents are no longer engaged in the export business but are now employed in other pursuits.

It further appears from the record and the report of the Compliance Commissioner that the charges with respect to falsification of donor and donee lists submitted in support of applications for licenses to export gift parcels to Yugoslavia have not been substantiated but that the charges regarding falsification of such lists submitted in support of applications relating to Italy have been admitted by respondents and substantiated by evidence offered by the Office of International Trade; that the purpose of respondents in submitting such false lists was to secure export licenses and make shipment of gift parcels to Italy in advance of the receipt of orders from donors in the United States with the objective of building up a stock pile in Italy from which orders subsequently received might be filled; and that, although licenses were granted pursuant to the applications, such licenses were not used and shipments were not made.

The Compliance Commissioner has accordingly found that respondents have violated the laws and regulations relating to export control and has recommended that their export license privileges be suspended, but that, inasmuch as respondents are no longer engaged in the export business but it is uncertain at what time they may undertake to reestablish such business, such suspension be for an indefinite term rather than a specific period and be subject to the condition that respondents may at any time apply for reinstatement of such privileges.

The findings and recommendations of the Compliance Commissioner, together with the evidence in the possession of the Office of International Trade, have been carefully considered and it appears that such findings are supported by the evidence and that such recommendations are fair and reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) All outstanding export licenses issued in the names of or held by respondents or any of them are hereby revoked and shall be immediately returned to the Office of International Trade for cancellation.

(2) Respondents and each of them are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated licenses, for such time and to such extent as export licenses are required by law: *Provided, however,* That respondents may at any time apply to the Office of International Trade for reinstatement of such export license privileges upon a showing of their desire to reestablish an export business and of the nature and extent of such proposed business.

(3) Such denial of export license privileges shall extend not only to respondents personally but also to any other person, firm, corporation or other business association with which they or any of them may be now or hereafter connected by ownership, control or responsible position in the conduct of export trade.

Dated: March 10, 1950.

E. P. HAWK,
Acting Director,
Commodities Division.

[F. R. Doc. 50-2118; Filed, Mar. 15, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF ORDERS DIRECTING AND APPROVING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNT 107, GAS PLANT ADJUSTMENTS

MARCH 10, 1950.

Notice is hereby given that, on March 8, 1950, the Federal Power Commission issued its orders entered March 7, 1950, directing and approving disposition of amounts classified in Account 107, Gas Plant Adjustments, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2096; Filed, Mar. 15, 1950; 8:46 a. m.]

[Docket No. E-6254]

CANEY ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

MARCH 10, 1950.

Notice is hereby given that, on March 7, 1950, the Federal Power Commission

issued its order entered March 7, 1950, authorizing issuance of common stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2099; Filed, Mar. 15, 1950; 8:46 a. m.]

[Docket No. E-6265]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING SALE OF FACILITIES

MARCH 10, 1950.

Notice is hereby given that, on March 1, 1950, the Federal Power Commission issued its order entered February 28, 1950, authorizing sale of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2094; Filed, Mar. 15, 1950; 8:45 a. m.]

[Docket No. G-585]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER ADVANCING DATE OF HEARING AND AMENDING "ORDER REJECTING FPC GAS TARIFF, REOPENING PROCEEDINGS, AND FIXING DATE OF HEARING"

MARCH 9, 1950.

On February 9, 1950, the Commission in the above-entitled proceedings entered an order rejecting FPC Gas Tariff, reopening proceedings, and fixing date of hearing to commence on April 4, 1950.

On February 27, 1950, Alabama-Tennessee Natural Gas Company (Applicant) filed an "Application to Vacate Commission's Order of February 9, 1950, and for Rehearing".

The Commission finds:

(1) Good cause exists for and it is appropriate for carrying out the provisions of the Natural Gas Act, as amended:

(a) To advance the date of the hearing, heretofore fixed to commence on April 4, 1950, to March 20, 1950;

(b) To deny the aforesaid "Application to Vacate the Commission's Order of February 9, 1950, and for Rehearing" so far as it requests the Commission to vacate the order entered February 9, 1950; and

(c) To correct an inadvertent error in the aforesaid order of February 9, 1950, wherein it was stated that the demand charge of the rate submitted by Applicant at the hearings on the certificate application was $2.00 per Mcf instead of the correct amount of $2.70 per Mcf, and to amend the aforesaid order of February 9, 1950, as hereinafter provided and ordered.

The Commission orders:

(A) The aforesaid "Application to Vacate Commission's Order of February 9, 1950, and for Rehearing" be and the same is hereby denied so far as it requests the Commission to vacate the order entered February 9, 1950.

(B) The aforesaid order entered February 9, 1950, herein, be and the same is hereby amended and changed as follows:

(i) Page 2, line 3, in the center column, change the "$2.00" figure to "$2.70"; and

(ii) Page 3, line 1, change the "$2.00" figure to "$2.70".

(C) The aforesaid order entered February 9, 1950, herein, be and the same is hereby further amended by changing the date for the commencement of the hearing therein ordered from April 4, 1950, to March 20, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 10, 1950.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2093; Filed, Mar. 15, 1950; 8:45 a. m.]

[Docket Nos. G-1274, G-1275]

NEW YORK STATE NATURAL GAS CORP. AND NIAGARA MOHAWK POWER CORP.

NOTICE OF FINAL DECISION AND ORDER

MARCH 3, 1950.

In the matters of New York State Natural Gas Corporation, Docket No. G-1274; Niagara Mohawk Power Corporation (formerly Central New York Power Corporation), Docket No. G-1275.

Notice is hereby given that the initial decision and order issuing certificates of public convenience and necessity in the above-designated matters was issued and served upon all parties on February 1, 1950. No exceptions thereto having been filed or review initiated by the Commission, said initial decision, in conformity with the Commission's rules of practice and procedure, became effective on March 3, 1950, as the final decision and order of the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-2105; Filed, Mar. 15, 1950; 8:47 a. m.]

[Docket No. G-1288]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 10, 1950.

Notice is hereby given that, on March 1, 1950, the Federal Power Commission issued its findings and order entered February 28, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2095; Filed, Mar. 15, 1950; 8:45 a. m.]

[Docket No. G-1322]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 10, 1950.

Notice is hereby given that, on March 9, 1950, the Federal Power Commission issued its findings and order entered March 9, 1950, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2100; Filed, Mar. 15, 1950 8:46 a. m.]

[Docket Nos. ID-599, ID-1044]

LEON E. SEEKINS AND THOMAS G. DIGNAN

NOTICE OF AUTHORIZATIONS PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

MARCH 10, 1950.

In the matters of Leon E. Seekins, Docket No. ID-599; Thomas G. Dignan, Docket No. ID-1044.

Notice is hereby given that, on March 9, 1950, the Federal Power Commission issued its orders entered March 7, 1950, in the above-designated matters, authorizing applicants to hold certain position pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2101; Filed, Mar. 15, 1950; 8:46 a. m.]

[Docket No. ID-1131]

EDGAR H. DIXON

NOTICE OF AUTHORIZATION PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

MARCH 10, 1950.

Notice is hereby given that, on March 3, 1950, the Federal Power Commission isued its order entered March 2, 1950, in the above-designated matter, authorizing applicant to hold certain position pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2102; Filed, Mar. 15; 1950; 8:46 a. m.]

[Project No. 362]

FORD MOTOR CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

MARCH 10, 1950.

Notice is hereby given that, on March 2, 1950, the Federal Power Commission issued its order entered February 28, 1950, authorizing amendment of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-2096; Filed, Mar. 15, 1950; 8:46 a. m.]

[Project No. 785]

CITY OF ALLEGAN, MICH.

NOTICE OF ORDER DETERMINING ACTUAL LEGITIMATE ORIGINAL COST, NET CHANGES THEREIN, AND PRESCRIBING ACCOUNTING THEREFOR

MARCH 10, 1950.

Notice is hereby given that, on March 8, 1950, the Federal Power Commission issued its order entered March 7, 1950, determining actual legitimate original cost, net changes therein, and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-2103; Filed, Mar. 15, 1950; 8:46 a. m.]

[Project No. 1314]

J. W. HOWELL CO. AND CROSSED SABERS RANCH

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

MARCH 10, 1950.

Notice is hereby given that, on March 9, 1950, the Federal Power Commission issued its order entered March 7, 1950, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-2104; Filed, Mar. 15, 1950; 8:46 a. m.]

[Project No. 1502]

CLIFF RICHMOND LUMBER CO. AND HIDDEN FALLS LUMBER CO., INC.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

MARCH 10, 1950.

Notice is hereby given that, on March 2, 1950, the Federal Power Commission issued its order entered February 28, 1950, approving transfer of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-2097; Filed, Mar. 15, 1950; 8:46 a. m.]

[Project Nos. 175, 1925, 1988]

FRESNO IRRIGATION DISTRICT AND PACIFIC GAS AND ELECTRIC CO.

FURTHER ORDER RELATING TO REHEARING

MARCH 9, 1950.

In the matters of Fresno Irrigation District, Project No. 1925; Pacific Gas and Electric Company, Projects Nos. 175 and 1988.

Heretofore by appropriate order issued January 9, 1950, the Commission scheduled a rehearing for March 20, 1950, upon its Opinion No. 183 and three orders issued November 10, 1949, in the above-entitled matters, and by the order issued January 25, 1950: *Provided*, That if no additional evidence is to be submitted, oral argument would be had on March 20, 1950, in lieu of the hearing originally scheduled to commence on that date. The parties have informed the Commission that no additional evidence is to be submitted, except certain documents which may be incorporated in the record by appropriate order without formal presentation at a hearing.

The Commission orders:

(A) Oral argument in the above-entitled matters be had before the Commission in lieu of a rehearing. All parties including Commission staff counsel may participate.

(B) The date for oral argument is hereby changed to March 21, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 10, 1950.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-2092; Filed, Mar. 15, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24935]

CONCRETE PIPE IN THE SOUTH

APPLICATION FOR RELIEF

MARCH 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Concrete pipe, reinforced, carloads.

Between: Points in Southern territory and between points in Southern territory, on the one hand, and points in Virginia, in Official territory, on the other.

Grounds for relief: Circuitous routes, to maintain grouping and to apply over short tariff routes rates constructed on the basis of the short line-distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supplement 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-2119; Filed, Mar. 15, 1950; 8:49 a. m.]

[4th Sec. Application 24936]

WALNUT LUMBER FROM CINCINNATI, OHIO AND LAWRENCEBURG, IND., TO TRUMAN, ARK.

APPLICATION FOR RELIEF

MARCH 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, for and on behalf of carriers parties to Agents C. A. Spaninger's tariff I. C. C. No. 934 and D. Q. Marsh's tariff I. C. C. No. 3738.

Commodities involved: Walnut lumber, carloads.

From: Cincinnati, Ohio and Lawrenceburg, Ind.

To: Truman, Ark.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 934, Supplement 72 and D. Q. Marsh's tariff I. C. C. No. 3738, Supplement 90.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-2120; Filed, Mar. 15, 1950; 8:49 a. m.]

[4th Sec. Application 24937]

PHOSPHATE ROCK FROM FLORIDA TO WILMINGTON, N. C.

APPLICATION FOR RELIEF

MARCH 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Atlantic Coast Line

Railroad Company and Seaboard Air Line Railroad Company.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Wilmington, N. C.

Grounds for relief: Competition with water-rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-2121; Filed, Mar. 15, 1950; 8:49 a. m.]

[4th Sec. Application 24938]

CITRUS POMACE BETWEEN FLORIDA POINTS

APPLICATION FOR RELIEF

MARCH 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Citrus pomace, carloads.

Between: Points in Florida.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supplement 131.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-2122; Filed, Mar. 15, 1950; 8:49 a. m.]

[4th Sec. Application 24939]

CHLORINATED CAMPHENE FROM BRUNSWICK, GA., TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

MARCH 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 976.

Commodities involved: Chlorinated camphene, carloads.

From: Brunswick, Ga.

To: Kansas City, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 976, Supplement 213.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-2123; Filed, Mar. 15, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1156]

NIAGARA MOHAWK POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of March A. D. 1950.

The San Francisco Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Niagara Mohawk Power Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application finds:

(1) That the Common Stock, No Par Value, of Niagara Mohawk Power Company is registered and listed on the New York Stock Exchange;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the San Francisco Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Niagara Mohawk Power Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-2107; Filed, Mar. 15, 1950; 8:47 a. m.]

[File Nos. 54-53, 54-182, 59-40, 59-49]

CENTRAL PUBLIC UTILITY CORP. ET AL.

NOTICE OF FILING AMENDMENT AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of March A. D. 1950.

In the matter of Central Public Utility Corporation, applicant, File No. 54-182; Central Public Utility Corporation et al., respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, applicants, File No. 54-53; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, respondents, File No. 59-49.

On September 27, 1949, Central Public Utility Corporation ("Central Public"), a registered holding company, filed a plan with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 proposing a recapitalization of Central Public and a reorganization of the holding company system of which Central Public is a member. Briefly described, this plan proposes (1) the reorganization of Cen-

tral Public into a company having only common stock outstanding, the new common stock to be distributed to the holders of its outstanding 5½% Twenty Year Income Bonds, all other outstanding securities of the company to be canceled without consideration, (2) the liquidation through merger or otherwise of Consolidated Electric and Gas Company ("Consolidated") and the Islands Gas and Electric Company ("Islands"), sub-holding companies in the system and (3) the divestment of Upper Peninsula Power Company ("Upper Peninsula") and Central Indiana Gas Company ("Central Indiana"), the only remaining public utility subsidiaries of the system operating in continental United States, these divestments to be by sale to third parties or by distribution to the then holders of the new common stock of Central Public. After appropriate notice a public hearing on this plan was held on December 13 and 14, 1949, and continued sine die at the request of Central Public in order that it might prepare an amendment to its plan setting forth in definitive form some matters only generally set forth in the original plan.

Notice is hereby given that an amendment to the plan has been filed by Central Public. This amendment, a copy of which is on file in the offices of the Commission, is summarized as follows:

Consolidated or Central Public will pay in full on or before September 20, 1950, Consolidated's promissory note dated September 20, 1949, held by the Chase National Bank of the City of New York in the original face amount of $3,500,000, it being expressly provided in said amendment that if this payment and discharge is not otherwise effected, and provided the Commission shall not agree to an extension of this note at maturity, sufficient shares of the common stock of Central Indiana will be sold to permit the application of the proceeds therefrom to the payment in full of said note, and such payment will be made.

The amendment provides that, after the merger of Consolidated into Central Public, Central Public will: (a) Create a new single class of authorized capital stock consisting of 1,100,000 shares, par value $6 per share; (b) extinguish and cancel the entire amount of its presently authorized capital stock consisting of 1,325,000 shares of common stock, par value $1 per share, 2,200,000 shares of Class A stock having a par value of $1 each, and 550,000 shares of $4 preferred stock without par value, and extinguish and cancel without further action all of the outstanding shares of these described classes consisting of 1,305,020 shares of common stock, 1,711,358 shares of Class A stock, and 320,372.29 shares of $4 preferred stock, together with all rights of bearers of scrip certificates to receive authorized but unissued shares of said capital stock, no owner or holder of said shares having any right to participate to any extent whatsoever in the new capital or new capital stock of the reorganized and recapitalized Central Public; and (c) reduce the capital of Central Public from $6,299,211.62 to an amount represented by the issuance of new capital stock at its par value.

The holders of the 5½% Income Bonds of Central Public maturing August 1, 1952 are to receive, for their present holdings, shares of new common stock of Central Public on the following basis:

If the month of original issue of such bond is—	*The shares distributable per $100 principal amount shall equal (shares)*
August or September 1932	2.40
October or November 1932	2.39
December 1932 or January 1933	2.38
February or March 1933	2.37
April or May 1933	2.36
June 1933	2.35
July or August 1933	2.34
September or October 1933	2.33
March 1934	2.30
November 1935	2.19
December 1935 or January 1936	2.18
February 1936	2.17
March or April 1936	2.16
May or June 1936	2.15
July or August 1936	2.14
September or October 1936	2.13
November 1936	2.12
December 1936 or January 1937	2.11
February or March 1937	2.10
April or May 1937	2.09
June 1937	2.08
July or August 1937	2.07
September or October 1937	2.06
November or December 1937	2.05
January or February 1938	2.04
March 1938	2.03

The shares of new common stock of Central Public are to be issued to Baltimore National Bank ("Baltimore") as successor trustee under the trust indenture securing Central Public's Income Bonds. The new common shares will be issued in full satisfaction of the principal of, and all interest accrued on, said Income Bonds. It is represented in the amendment that simultaneously with the delivery of such stock certificate or certificates said trust indenture will be satisfied and discharged for all purposes and the respective rights and duties of the parties thereto shall terminate and Central Public's obligation to pay principal and interest will be fully satisfied and discharged. The owners of said Income Bonds will lose all of their rights as creditors of Central Public and as owners of its outstanding Income Bonds except the right to have distributed to them the shares of new common stock to which they are entitled together with the dividends, if any, paid thereon by Central Public to Baltimore and to receive such other assets of Consolidated or Central Public, if any, that shall thereafter become distributable to them under the Plan.

During a period of eight years after the effective date of the Plan, Baltimore will distribute the new common shares of Central Public to the present holders of Income Bonds in exchange for the surrender of said bonds. In lieu of fractional shares, scrip certificates will be distributed in denominations of one hundredth of a share for all fractions in excess of five one thousandths of a share. The Plan provides that at the expiration of the eight-year period for the distribution of the new common stock of Central Public to holders of Income Bonds, all of the duties and obligations created by or arising under the Plan owed by Baltimore or Central Public to all persons having or claiming any right, title, or interest to Income Bonds will terminate and at that time such persons are to lose the right to receive any of the distributable shares, and dividends, if any, paid thereon during the distribution period. The Plan further provides that, between the sixty-first day and the seventy-first day after the termination of the distribution period, Baltimore will surrender, for extinguishment, to Central Public all of the shares of Central Public's common stock not theretofore distributed and will pay to Central Public all of the dividends theretofore paid by Central Public to Baltimore on said shares; thereafter Central Public will do what is necessary under the laws of the State of Delaware to extinguish said shares and will hold the monies received from Baltimore free and clear and subject to the use of Central Public.

The amendment states further that applicant's by-laws will be amended to provide that its Board of Directors shall be composed of five members and that, pending election of the Board of Directors at the special stockholder's meeting as set forth below, the then directors of applicant, in accordance with a later amendment to the Plan, will cause applicant's Board of Directors and the President to consist of those persons to be named in such later amendment who shall continue in office thereafter until a new Board of Directors shall have been elected pursuant to said special meeting of stockholders.

The amendment provides that within seventy-five days after the holders of record shall own of record 70% of Central Public's new common stock, and in any event not later than one year and thirty days after the commencement of the distribution of the new common stock to the income bondholders, a special meeting of Central Public's stockholders will be held for the purpose, among others, of electing a Board of Directors, provision being made for keeping a current list of stockholders and making that list available to any stockholder or his representative until the holding of this special meeting.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a further hearing be held with respect to the proposed Plan, as amended:

It is ordered, That the public hearing in these proceedings be reconvened under the applicable provisions of the act and rules and regulations promulgated thereunder at 10:00 a. m., e. s. t., on the 12th day of April 1950, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101. Any person, other than those who previously appeared, desiring to be heard or otherwise wishing to participate in these proceedings should file with the Secretary of the Commission on or before April 5, 1950, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Hearing Officer heretofore designated to preside in this proceeding, or any other officer or officers of the Commission so

designated, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of this Amendment, upon the basis thereof the following matters are presented for consideration by the Commission in addition to the matters previously raised in this proceeding by the Commission's order dated October 24, 1949, and published in Holding Company Act Release No. 9443, without prejudice as to presentation of additional matters and questions upon further examination:

1. Whether the proposed treatment to be accorded the holders of Income Bonds of Central Public is in all respects fair and equitable to said security holders and if not what modifications with respect to said proposals are necessary to make the treatment fair and equitable;

2. Whether the proposals with respect to the rights, duties and obligations of Baltimore and the proposed manner of their execution and performance result in fair and equitable treatment to all persons affected by the Plan;

3. Whether the manner and method of providing for the management of the reorganized Central Public will result in a Board of Directors adequately representative of its stockholders;

4. Generally, whether the transactions proposed in the Amendment are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules and regulations thereunder.

It is further ordered, That at the reconvened public hearing particular attention be directed to the foregoing matters and questions in addition to the matters and questions cited in the Commission's previous order of October 24, 1949.

It is further ordered, That the Secretary of the Commission shall serve copies of this order by registered mail on Central Public Utility Corporation, on Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, and on the following persons who appeared at the previous hearing in this matter, namely, Percival E. Jackson, 68 William Street, New York, New York, who appeared on behalf of certain Income Bondholders of Central Public; Mortimer A. Shapiro, 135 Broadway, New York, New York, appearing on behalf of a protective committee for Income Bondholders of Central Public; J. Martin McDonough, Baltimore, Maryland, on behalf of Baltimore National Bank; Henry H. Gould, 15 Central Park West, New York, New York, who appeared on behalf of his sister and himself as owners of Income Bonds of Central Public; and Wade H. Cooper, University Club, Washington, D. C., who appeared on behalf of certain common stockholders of Central Public, and notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission, copies of which are to be furnished to the press and mailed to all persons on the Commission's mailing list to receive copies of releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That Central Public or Consolidated give additional notice of said hearing by publication in appropriate form of a notice at least twice at intervals of not less than five days in a newspaper of general circulation in each of the cities of New York, New York, Chicago, Illinois, and San Francisco, California, the last publication to appear not later than ten days prior to April 12, 1950, and that Central Public notify the holders of its Income Bonds to the extent that their addresses are known or are available to Central Public by mailing a copy of this notice and order to the said security holders not later than fifteen days prior to April 12, 1950.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate either for hearing, in whole or in part, or for determination, in whole or in part, any issues or questions which may arise in these proceedings or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-2112; Filed, Mar. 15, 1950; 8:48 a. m.]

[File No. 70-2319]

NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of March A. D. 1950.

New England Electric System ("NEES"), a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 and 10 thereof and Rule U-40 (a) (6) of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

NEES proposes to apply $203,822 (the amount required to be deposited by NEES with Old Colony Trust Company in accordance with the terms of an Indenture hereinafter described) to the purchase, through tenders, of General and Refunding Mortgage Bonds, 5%, Series A, due January 1, 1951 and General and Refunding Bonds, 4%, Series B, due January 1, 1951, of United Electric Railways Company ("UER"). As at December 31, 1949, UER had outstanding $1,490,500 principal amount of 5% Series A bonds and $1,537,600 principal amount of 4% Series B bonds. NEES owned $904,700 of the 5% bonds and $1,473,800 of the 4% bonds all of which, except $8,000 of the 4% bonds, are subordinated to the publicly held bonds aggregating $649,600. NEES also owns 81,800 of UER's outstanding 82,507 shares of capital stock representing 99.14% of the total voting power in UER.

Pursuant to the Amended Plan of Simplification of the New England Power Association Holding-Company System, approved by this Commission on March 14, 1946 (Holding Company Act Release No. 6470), NEES assumed the obligations of the Rhode Island Public Service Company ("RIPS"), a former subsidiary of New England Power Association, under an Indenture, dated February 1, 1928, between RIPS, UER, and Old Colony Trust Company, as Trustee. By the terms of this Indenture, assumed by NEES, NEES is required to deposit, on or before March 1, 1950, with Old Colony Trust Company $100,000 plus interest paid during the preceding 12 months on bonds theretofore purchased and subordinated, or an aggregate amount of $203,822. Under the Indenture, said deposit is to be applied to the purchase of UER bonds, tendered at not in excess of the call prices which, through July 1, 1950, are 101 for the 4% bonds and 105 for the 5% bonds. Any of said bonds so purchased will be subordinated to all other bonds of UER not theretofore subordinated. Pursuant to the Indenture, NEES reserves the right to determine which class of bonds will be purchased by the Trustee and may apportion the purchases between classes. If the amount deposited is not exhausted through the tenders, any balance will be returned to NEES.

NEES requests that the Commission's order herein issue as promptly as practicable and that such order become effective forthwith upon its issuance.

Said application having been filed on February 2, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith and the Commission deeming it appropriate that said application be granted subject to the terms and conditions contained in Rule U-24 and the Commission also deeming it appropriate to grant NEES' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-2109; Filed, Mar. 15, 1950; 8:47 a. m.]

[File No. 70-2324]

SOUTH JERSEY GAS CO.

NOTICE REGARDING FILING OF AN AMENDMENT TO APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of March 1950.

Notice is hereby given that South Jersey Gas Company ("South Jersey"), a subsidiary of the United Corporation, a registered holding company, has filed an amendment to a pending application filed with this Commission on February 9, 1950, pursuant to the Public Utility Holding Company Act of 1935. Applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than March 20, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said amended application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 20, 1950, said amended application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said amended application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

The pending application, which is summarized in Holding Company Act Release No. 9672, involves the issuance and sale by South Jersey of an aggregate of $3,300,000 principal amount of promissory notes of which $2,550,000 are to bear interest at the rate of 2¼% per annum and mature June 30, 1951, and $750,000 are to bear interest at the rate of 2¾% per annum and mature serially from June 30, 1951 to December 31, 1955, inclusive. The amendment filed by South Jersey provides for its interim financing by the issuance of $900,000 of 2¼% promissory notes due June 30, 1950. The application indicates that, although these notes mature in less than nine months after issuance, the aggregate amount presently proposed to be issued exceeds five per cent of the principal amount and par value of the other outstanding securities of South Jersey.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-2110; Filed, Mar. 15, 1950; 8:47 a. m.]

[File No. 70-2325]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of March 1950.

In the matter of Consolidated Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, File No. 70-2325.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, the Peoples Natural Gas Company ("Peoples") and New York State Natural Gas Corporation ("New York State"), having filed a joint application-declaration pursuant to sections 6 (b), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

Consolidated, pursuant to the terms of a loan agreement entered into with four commercial banks, proposes to issue and sell, from time to time during 1950, an aggregate of $14,000,000 principal amount of its promissory notes. Said agreement provides, inter alia, that the notes will bear interest at the rate of 2% per annum and will mature March 15, 1951, subject to renewal each year for four additional years, at the same interest rate, at the option of Consolidated, and subject also to the company's obtaining an order of the Commission authorizing each such renewal.

Primarily in order to finance their construction and gas storage programs, Peoples and New York State propose to issue and sell to Consolidated, during the year 1950, $6,000,000 and $8,000,000 principal amounts, respectively, of their 2% promissory notes maturing March 15, 1951, subject to renewals on the same terms as the notes to be sold by Consolidated.

The proposed transactions are stated to be part of a general financial plan adopted by Consolidated and its subsidiaries for the purpose of securing needed capital funds on an interim basis for a period not to exceed five years. The application-declaration indicates that during the five year period the notes herein proposed, together with such further notes as shall be issued and sold by Consolidated, will be refinanced by the issuance and sale of debentures or capital stock, or both. Any renewal of notes or issuance of further notes or other securities will be subject to further order of this Commission.

The proposed issuance and sale of notes by Peoples has been approved by the Pennsylvania Public Utility Commission. The proposed issuance and sale of notes by New York State is not subject to the jurisdiction of any State regulatory commission.

Said joint application-declaration having been duly filed, and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to the terms and conditions prescribed in Rule U-24, that the joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-2108; Filed, Mar. 15, 1950; 8:47 a. m.]

[File No. 70-2352]

DELAWARE POWER AND LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of March 1950.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power and Light Company, a registered holding company and a public utility company. Applicant-declarant has designated sections 6 (a), 7, 9 and 10 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 27, 1950, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided by Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Delaware proposes to offer to its stockholders of record, as of the close of business on April 5, 1950, the right to

purchase 232,520 additional shares of its common stock, and, subject to such right of the stockholders, the additional stock will also be offered to employees of the company and its subsidiaries in an amount not exceeding 150 shares per employee. The stockholders' rights to purchase the additional common stock will be evidenced by transferable warrants and will be on the basis of one share of such additional common stock for each six shares of Delaware's common stock owned at the record date. The employees' rights to purchase the additional common stock will not be transferable.

Such shares as are not subscribed for by the stockholders and employees and such shares as are acquired in stabilizing the stock, as set forth below, are to be offered to underwriters who, pursuant to the competitive bidding requirements of Rule U-50, will be invited to submit bids on April 5, 1950, for the purchase of such common stock, such bids to include the compensation to be paid them for purchasing such shares at the subscription price. The subscription price at which the stock is to be offered to the stockholders, employees and underwriters will be determined by Delaware, and the underwriters who have qualified to bid will be notified thereof at least 42 hours prior to the receipt of bids.

The application-declaration states that Delaware may purchase on the New York Stock Exchange, the Philadelphia-Baltimore Stock Exchange, the over-the-counter market, or otherwise, up to 23,252 shares of its common stock for the purpose of stabilizing the price of the stock during the period commencing March 31, 1950, and ending at the time of acceptance of a bid for the stock.

Applicants-declarants have requested that the competitive bidding period be shortened to 7 days so that bids may be received on April 5, 1950.

The proceeds of the sale of the stock will be utilized by Delaware in connection with its construction program.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-2111; Filed, Mar. 15, 1950; 8:48 a. m.]

[File No. 811-221]

STANDARD TRUST FOUNDATION

NOTICE OF MOTION TO TERMINATE REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of March A. D. 1950.

Notice is hereby given that the Division of Corporation Finance of the Commission has filed a motion for an order pursuant to section 8 (f) of the Investment Company Act of 1940 declaring that Standard Trust Foundation, a registered investment company, has ceased to be an investment company within the meaning of the act.

The Division of Corporation Finance has been advised that the Trustee has terminated the trust as provided in the Trust Agreement, that all holders of Standard Trust Foundation Agreements have received shares of the underlying Trustee Standard Investment Shares, Series D and undistributed cash less expenses, or have received the proceeds of the underlying shares sold for the account of such holders, together with any cash due, except that the Trustee still holds unclaimed 153.06 of such underlying shares and $280.37. The underlying shares and funds, if ultimately unclaimed, will be delivered to the State of New York under its Abandoned Property Law. The Division has been further advised that all liabilities have been paid and no further expenses will be incurred.

All interested persons are referred to said motion which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order declaring that the registration of Standard Trust Foundation has ceased to be in effect may be entered by the Commission at any time after March 24, 1950, unless prior thereto a hearing in this matter shall be ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than March 22, 1950, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this motion or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the motion which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-2106; Filed, Mar. 15, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14372]

MAGOJIRO MAEDA

In re: Debt owing to and bank account and bonds owned by Magojiro Maeda. F-39-6689-A-1, C-1, C-2, E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magojiro Maeda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu 1, T. H., arising out of a savings account, account number 26,238, entitled Magojiro Maeda (Akiyoshi Nakamura, his Attorney in Fact), maintained at the head office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation evidenced by check No. 10195, in the amount of $65.78, dated March 1, 1948, drawn on the Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., payable to Magojiro Maeda and presently in the custody of the Trustees for the Creditors and Stockholders of Pacific Bank in Dissolution, P. O. Box 1200, Honolulu, T. H., and any and all rights to demand, enforce and collect the debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of the aforesaid check, and

c. Five (5) Oriental Development Company, Limited, Japan, 30 Year External Loan 6% Gold Debenture Bearer Bonds, of which three (3) have a face value of $1,000 each, bearing the Numbers M592, M5167 and M18778, and two (2) have a face value of $500 each, bearing the numbers D424 and D425, presently in the custody of Hawaiian Trust Company, Limited, 120 South King Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Magojiro Maeda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-2123; Filed, Mar. 15, 1950; 8:50 a. m.]

[Vesting Order 14385]

J. CONRAD LUCKEL

In re: Trust under will of J. Conrad Luckel, deceased. File No. D-28-2409; E. T. sec. 3687.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leonard Walsh, also known as Leonhardt Walch, Margaret Walch Rothfuss, nee Margaret Walsh, Kathe Walch Kraft, nee Katerina Walsh, Lina Haag, Emma Haag Walter, George Haag, Fritz Haag, Marta Wolz, Friedrich (Fredrick) Wolz, Robert Wolz, George Wolz, Helmut Ehrman, also known as Helmut Ehrmann, Leonhard Ehrman, Friedrich Ehrman, also known as Friedrich Ehrmann, Wilhelm Ehrman, also known as Wilhelm Ehrmann, Mrs. Marie Ehrman Ulshafer, Mrs. Gerda Ehrman Funk, Johan Schaffert, Jr., Lina Schaffert, Friederich Schaffert, also known as Friedrich Schaffert and Karl (Earl) Schaffert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Emil Wolz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the trust created under the will of J. Conrad Luckel, deceased, and presently being administered by the Bank of California National Association, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Emil Wolz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-2129; Filed, Mar. 15, 1950; 8:50 a. m.]

[Vesting Order 14416]

ARTHUR EISENSCHMIDT

In re: Interest in real property owned by Arthur Eisenschmidt.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Eisenschmidt, whose last known address is Protsch Elbe, Fischerstrasse 16, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half interest in real property situated in the County of Lane, State of Oregon, particularly described as The South East quarter (SE¼) of Section Eight (8) in Township Fifteen (15), South of Range Six (6), West of Willamette Meridian, containing one hundred and sixty (160) acres, together with all hereditaments fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-2130; Filed, Mar. 15, 1950; 8:50 a. m.]

[Vesting Order 14417]

ALFRED AND FRIEDA SCHWEBLER

In re: Real property owned by Alfred Schwebler and Frieda Schwebler, nee Maier, his wife.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Schwebler and Frieda Schwebler, nee Maier, his wife, each of whose last known address is 37 Albuchweg (14a) Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property, situated in the City and County of Milwaukee, State of Wisconsin, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

All that real property situated in the County of Milwaukee, State of Wisconsin, and more particularly described as follows:

Parcel 1. Lot No. 27, in Block No. 2, in Westgate, being a Subdivision of a part of the East One-half (E½) of the Northeast One-quarter (NE¼) of Section numbered Eight (8) in Township numbered Seven (7) North, of Range numbered Twenty-one (21) East, formerly in the Town of Wauwatosa, and now in the City of Milwaukee.

Parcel 2. Lot No. 11, in Block No. 8, in Westgate, being a Subdivision of a part of the East One-half (E½) in the Northeast One-quarter (NE¼) of Section numbered Eight (8), in Township Numbered Seven (7), North of Range numbered Twenty-one (21) East, formerly in the Town of Wauwatosa, and now in the City of Milwaukee.

Parcel 3. Lot numbered Six (6) in Block No. One (1) in Marion Ridge, being a part of the East One-half (E½) of Section numbered Eight (8) in Township numbered Seven (7) North of Range numbered Twenty-one (21) East, City of Milwaukee.

[F. R. Doc. 50-2131; Filed, Mar. 15, 1950; 8:51 a. m.]

[Vesting Order 14441]

KATHERINE GOSWEIN

In re: Estate of Katherine Goswein, deceased. File D 28-12787 E. T. sec. 16961.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matthaus Bukenberger, Johann Georg Bukenberger, Gottlieb Bukenberger, Barbara Scherer, nee Bukenberger, Christine Eberhart, nee Bukenberger, Elisabet Schmid, nee Bukenberger, Magdalena Maser, nee Bukenberger, Friedrich Bukenberger, Lina Bukenberger, Wilhelm Bukenberger, Gottfried Bukenberger, Fritzie Bukenberger, Jakob Bukenberger, Rosalie Goswein Mangold, Maria Goswein Brutscher and Anna Goswein Berkmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Friedrich Bukenberger and of Christian Bukenberger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherine Goswein, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by James E. Hale, Executor, acting under the judicial supervision of the Probate Court of Franklin County, Ohio,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Friedrich Bukenberger and of Christian Bukenberger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 10, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-2133; Filed, Mar. 15, 1950; 8:51 a. m.]

[Vesting Order 14418]

MARY WALLGRAM

In re: Interest in real property and claims owned by Mary Wallgram, also known as Mrs. Mary Walgram and as Mrs. Matthew Wallgram.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Wallgram, also known as Mrs. Mary Walgram and as Mrs. Matthew Wallgram, whose last known address is 49 Büchlberg, Passau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property, situated in the City of Wilkes-Barre, County of Luzerne, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, devised to Mary Wallgram by the Will of Matthew Wallgram, deceased, probated in the office of the Register for the probate of Wills and granting letters of Administration in and for the County of Luzerne, State of Pennsylvania, on September 5, 1930, and recorded in Will Book 53, Page 536, in said office, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments, arising from the ownership of such property,

b. Life estate in the undivided one-half (½) interest in real property particularly described in Exhibit A, attached hereto and by reference made a part hereof, devised to Apalonia Kleber and Mary Berger by the aforesaid Will of Matthew Wallgram, deceased, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments, arising from the ownership of such property,

c. That certain debt or other obligation, owing to the person named in subparagraph 1 hereof, by William Mosebauer, 166 Holland Street, Wilkes-Barre, Pennsylvania, arising out of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce, and collect the same, and

d. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by Aloysius A. Aschoff, 77 Jones Street, Wilkes-Barre, Pennsylvania, arising out of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-c and 2-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

All the surface or right of soil of that certain lot of land situate on Poplar Street, in the City of Wilkes-Barre, County of Luzerne, State of Pennsylvania, being forty (40) feet

in front on said Street by one hundred twenty-two (122) feet in depth and being lot numbered two hundred one (201) on plot of lots of Alexander McLean, deceased, in the Fourteenth Ward, of the City of Wilkes-Barre, aforesaid and which with other lands was allotted to Leslie M. Wilson by proceedings in partition in the Orphan's Court of Luzerne County and entered in the Sale's and Partition's Docket No. 7 at page 414, coal and other minerals reserved.

[F. R. Doc. 50-2132; Filed, Mar. 15, 1950; 8:51 a. m.]

[Vesting Order 14402]

ALFRED SCHLEGEL

In re: Estate of Alfred Schlegel, deceased. File No. D-28-12737 and D-28-12737 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irma Knobloch (Knoblock), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Alfred Schlegel, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Annaliese Grothman, as administratrix, acting under the judicial supervision of the County Judge's Court for Dade County, Florida;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-2087; Filed, Mar. 14, 1950; 8:50 a. m.]

[Vesting Order 14378]

PAUL OTTO RUDOLPH

In re: Stocks, checks, personal property and bank account owned by Paul Otto Rudolph, also known as P. O. Rudolph, Paul Rudolph and as Paul O. Rudolph. D-28-5654-A-1, D-28-5654-F-1, D-28-5654-C-1, D-28-5654-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Otto Rudolph, also known as P. O. Rudolph, Paul Rudolph and as Paul O. Rudolph, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations of Clayton Silver Mines, Wallace, Idaho, evidenced by those checks issued by Clayton Silver Mines, payable to Paul O. Rudolph, dated and in the face amounts as set forth below:

Date:	*Face amount*
June 20, 1942	$10.00
December 23, 1942	7.50
June 21, 1943	7.50
December 20, 1943	7.50
June 10, 1944	7.50
December 20, 1944	7.50
December 20, 1947	10.00
December 20, 1948	15.00

said checks presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and all rights in, to and under including the right to possession and presentation for payment of the aforesaid checks,

b. Personal property described as follows:

Forty-five (45) United States pennies (1¢),
One (1) United States dime (10¢),
Forty-nine (49) United States nickels (5¢),
Twenty-three (23) German Marks of various denominations,
Three (3) sales tax tokens,
Two (2) street car tokens,

said personal property presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C.,

c. Fifty (50) shares of $1.00 par value Bob Burch Pool, Fort Worth, Texas, evidenced by a certificate numbered 1095, and presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

d. That certain debt or other obligation owing to Paul Otto Rudolph, also known as P. O. Rudolph, Paul Rudolph and as Paul O. Rudolph, by First National Bank in Houston, P. O. Box 2519 Houston 1, Texas, arising out of a checking account, entitled P. O. Rudolph, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

e. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

f. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of First National Bank in Houston, P. O. Box 2519, Houston 1, Texas, on deposit in Safety Deposit Box 3015 of the Safety Deposit Department of said Bank, together with all declared and unpaid dividends thereon,

g. United States currency represented by ten (10) bills of fifty dollar ($50.00) denomination each, said bills presently in the custody of First National Bank in Houston, P. O. Box 2519, Houston 1, Texas, on deposit in Safety Deposit Box 4015 of the Safety Deposit Department of said bank,

h. One (1) installment coupon contract numbered 8240 covering 20,000 shares of Amera-Mex Dev. Co., presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., and

i. One (1) stock transfer receipt numbered 3382C and one (1) receipt numbered T. D. 5095 for fifty cents (50¢) in payment of said transfer receipt numbered 3382C, presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate Nos.	Total number of shares	Par value
Alma Lincoln Mining Co., Idaho Springs, Colo.	Colorado	9121	600	$0.10
Azurite Gold Co., 12 B St. NE., Auburn, Wash.	Washington	7860	100	.01
Bankers Equitable Royalty & Producing Co.	Delaware	3274	50	1.00
Blue Bucket Mining Co.	Washington	1293		.05
		1313		
		1314	4,000	
Clayton Silver Mines, Wallace, Idaho	Arizona	13258	500	1.00
Evis Gold Mines Corp.		1199		1.00
		1200		
		1216		
		1224	5,000	
Explorers, Inc.	Idaho	552	100	1.00
Glacier Silver Lead Mining Co., 607 Washington Trust Bldg., Spokane, Wash.	Montana	5078		
		5092	6,000	.20
Golconda Lead Mines, Wallace, Idaho	Idaho	15486	3,000	1.00
Gold Helm Mining Co.	Washington	722	1,000	.10
London Mountain Gold Mining Co., Denver, Colo.	Colorado	8057	1,500	.10
Montana Consolidated Mines Corp., Helena, Mont.		A8626		.10
		A8627	1,400	
Quail Gold Mines, Inc.	Washington	979	800	.01
		1561	500	.01
Schulte United 5 Cent to $1 Stores, Inc.	Delaware	C010894	25	No par
Standard Silver Lead Mining Co., Spokane, Wash.	Washington	54106/110	500	1.00
Sunshine Consolidated Inc., Kellog, Idaho	Idaho	12248	83	.25
Reeves MacDonald Mines, Lmt., Vancouver, B. C.	Dominion of Canada	7353	100	No par

EXHIBIT B

Name and address of issuer	State of incorporation	Certificate Nos.	Total number of shares	Par value
Glacier Silver Lead Mining Co., 607 Washington Trust Bldg., Spokane, Wash.	Montana	5984/88	[1] 1,000	$0.20
		5970/74	[1] 1,000	
North Star Sultan Mining Co., 430 U. S. National Bank Bldg., Denver, Colo.	Colorado	2476	2,500	.10
		2780	1,500	
		2829	1,000	
		3094	4,500	
		3116	5,436	
		3131	1,125	
		3197	4,064	
		3249	1,500	
		3271	2,000	
		3307	2,000	
		3332	8,000	
		3444	1,000	
		3469	10,000	
		3400	1,000	
		4997	1,000	
		5203	1,000	
		5176	1,000	
		3634	2,000	
		2446	1,250	
		2610	200	
		2640	2,800	
		2586	2,200	
		2905	4,000	
		2894	1,000	
		2977	1,000	
		4923	2,000	
Mystery Gold Mining Co., U. S. National Bank Bldg., Denver, Colo.	do	8068	5,000	.01
		6538	7,000	
		6774	5,000	
		6540	8,000	
		7941	4,000	
		6427	8,000	
		8342	4,500	
		7811	2,000	
		6321	5,000	
		6101	5,000	
		6213	5,000	
		8047	5,000	
		8138	5,000	
		32	7,332	
		73	4,000	
		5555	2,000	
		5304	4,000	
		5525	2,500	
		5758	2,500	
		5559	6,000	
		5674	3,000	
		5949	4,000	
International Gold Producers, Inc., 817 17th St., Denver, Colo.	do	9	100	.10
		1616	50	
Standard Silver Lead Mining Co., Spokane, Wash.	Washington	37980/82	[1] 100	1.00
American Department Stores Corp. (c/o Brager-Eisenberg Inc.), Eutaw and Saratoga Sts., Baltimore, Md.	Delaware	[2] TCO 7919	50	No pa

[1] Each.
[2] Temporary certificate.

[F. R. Doc. 50-2084; Filed, Mar. 14, 1950; 8:50 a. m.]

[Vesting Order 14398]

NOBUYOSHI NOZAWA

In re: Estate of Nobuyoshi Nozawa, a minor. File No. F-39-6693.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mura Nozawa, guardian of Nobuyoshi Nozawa, and Nobuyoshi Nozawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the sum of $249.80 held by the United States Fidelity and Guaranty Company, Los Angeles, California, for the account of Mura Nozawa, guardian of Nobuyoshi Nozawa, a minor, pursuant to an order of the Superior Court of the State of California, in and for the County of Imperial, El Centro, California, entered December 10, 1948, in the matter of the estate of Nobuyoshi Nozawa, a minor, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by the United States Fidelity and Guaranty Company, Los Angeles, California, as depositary, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Imperial, El Centro, California;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-2086; Filed, Mar. 14, 1950; 8:50 a. m.]